

REMARKS

This is intended as a full and complete response to the Final Office Action dated April 23, 2009, having a shortened statutory period for response set to expire on July 23, 2009. Applicants submit this response to place the application in condition for allowance or in better form for appeal. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1, 4, 8-10 and 32 are pending in the application. Claims 1, 9-10, 32-33 and 40 remain pending following entry of this response. Claim 1, 9, 10 and 32 have been amended. Claims 4 and 8 have been cancelled. New claims 33-40 have been added to recite aspects of the invention. Applicants submit that the amendments and new claims do not introduce new matter.

Further, Applicants are not conceding in this application that those amended (or canceled) claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the claimed subject matter. Applicants respectfully reserve the right to pursue these (pre-amended or canceled claims) and other claims in one or more continuations and/or divisional patent applications.

Claim Rejections - 35 U.S.C. § 101

The Office Action states that claim 1 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

With this response, Applicants have amended claim 1 to recite, *inter alia*, “determining, by operation of the one or more computer processors” Applicants submit that the claims, as amended, are directed to statutory subject matter. Accordingly, Applicants respectfully submit that the rejection is obviated with respect to claim 1 and dependents therefrom.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 4, 8, 9, 10, and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Rakavy et al.* (US5913040, hereinafter *Rakavy*) in view of *Meyers et al.* (US2002/0087403, hereinafter *Meyers*).

With this response, Applicants have amended claim 1 to recite, *inter alia*, that outputting at least one advertisement comprises: determining whether an advertisement exists that exactly matches the selected advertisement channel and the user selected values of the advertising attributes; upon determining that an advertisement exists that exactly matches the selected advertisement channel and the user selected values of the advertising attributes, selecting the advertisement; and upon determining that the exactly matching advertisement does not exist, selecting an advertisement that closely matches the selected advertisement channel and the advertising attributes. Applicants submit that the claims, as amended, are not taught by the references, alone or in combination. Accordingly, Applicants respectfully submit that the rejection is obviated with respect to claim 1 and dependents therefrom.

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

If the Examiner believes any issues remain that prevent this application from going to issue, the Examiner is strongly encouraged to contact Gero McClellan, attorney of record, at (336) 698-4286, to discuss strategies for moving prosecution forward toward allowance.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

/Gero G. MCCLELLAN, Reg. #44227/

Gero G. McClellan
Registration No. 44,227
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicants